

Introduced by Senator Schiff

February 27, 1997

An act to amend Section 56728.9 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1015, as introduced, Schiff. Special education: licensed childcare institutes.

Existing law establishes a program for the provision of special education and related services to pupils with exceptional needs, including pupils who reside in licensed children's institutions, as defined. Existing law entitles any special educational local plan area that is a single school district and that is severely impacted by pupils who reside in licensed children's institutions to a support services amount, computed as specified. Under existing law that provision remains in effect only until January 1, 1998.

This bill would instead repeal that provision as of January 1, 2002.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56728.9 of the Education Code is
- 2 amended to read:
- 3 56728.9. (a) Notwithstanding any other provision of
- 4 this article, any special education local plan area that is a
- 5 single district and that is severely impacted by pupils who

1 reside in licensed children's institutions, as defined in
2 Section 56155.5, shall be entitled to a support services
3 amount calculated pursuant to Section 56734, except that
4 the quotient computed pursuant to Section 56733 shall be
5 multiplied by 150 percent for classes in which a majority
6 of the pupils enrolled reside in licensed children's
7 institutions, if the special education local plan area meets
8 all of the requirements of this section.

9 (b) A special education local plan area is severely
10 impacted, for purposes of this section, if all of the
11 following requirements are satisfied:

12 (1) Pupils who reside in licensed children's institutions
13 represent more than 15 percent of the special education
14 enrollment of the special education local plan area.

15 (2) Special education enrollment of pupils who reside
16 in licensed children's institutions has increased by more
17 than 50 percent since 1985.

18 (3) The special education local plan area does not
19 enroll more than 10 percent of its pupils who do not reside
20 in licensed children's institutions in special education
21 programs.

22 (c) Any special education local plan area that is
23 severely impacted pursuant to subdivision (b) may make
24 the calculation adjustments provided by subdivision (a)
25 only for those classes in which a majority of the pupils
26 enrolled during the 1989-90 school year resided in
27 licensed children's institutions.

28 (d) The calculation provided by this section is a base
29 year calculation, based on the enrollment in classes in the
30 1989-90 school year, creating a limit on funding
31 adjustments provided by this section. Special education
32 local plan areas shall not be required to maintain the
33 1989-90 level of eligible classes in order to be eligible for
34 the calculation in future years. Special education local
35 plan areas are encouraged to place pupils who reside in
36 licensed children's institutions in the educational
37 environment that best meets the pupil's needs in keeping
38 with the least restrictive environment requirements of
39 the Individuals with Disabilities Education Act (20 U.S.C.



1 Sec. 1400 et seq.) and the Master Plan for Special
2 Education.

3 (e) A special education local plan area may claim an
4 amount of funding in a fiscal year that is not greater than
5 the amount claimed pursuant to this section in the prior
6 fiscal year. The amount claimed may be increased only if
7 a specific appropriation is made for that purpose in that
8 fiscal year. A special education local plan area that
9 received funding for purposes of this section in the
10 1994–95 fiscal year shall continue to receive that funding
11 in a subsequent fiscal year only if it continues to meet the
12 qualifications of this section and an appropriation is made
13 for those purposes in the annual Budget Act. A special
14 education local plan area that did not receive funding for
15 purposes of this section in the 1994–95 fiscal year that
16 subsequently qualifies for that funding, shall not receive
17 that funding unless an additional appropriation is made
18 for those purposes in the annual Budget Act.

19 (f) This section shall remain in effect only until
20 January 1, 1998, ~~and as of that date is repealed, unless~~
21 ~~Assembly Bill 3757 or Senate Bill 1640 of the 1993–94~~
22 ~~Regular Session is enacted and becomes operative on or~~
23 ~~before January 1, 1996, in which case this section shall~~
24 ~~remain in effect only until January 1, 1996, and as of that~~
25 ~~date is repealed 2002, and as of that date is repealed,~~
26 *unless a later enacted statute, that is enacted before*
27 *January 1, 2002, deletes or extends that date.*